United Nations S/2004/930

Security Council

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Draft resolution

The Security Council,

Recalling its resolution 1545 (2004) of 21 May 2004 and the statement of its President dated 15 August 2004 (S/PRST/2004/30),

Reaffirming its strong commitment to the respect of the sovereignty, independence, territorial integrity and unity of Burundi, and *recalling* the importance of the principles of good-neighbourliness and non-interference, and of regional cooperation,

Reaffirming also its full support for the process of the Arusha Peace and Reconciliation Agreement for Burundi, signed at Arusha on 28 August 2000 (hereafter "the Arusha Agreement"), *calling on* all the Burundian parties to fully honour their commitments, and *assuring* them of its determination to support Burundi's efforts successfully to bring the transition to an end through the holding of a free and fair election,

Welcoming the positive achievements that have been made so far by the Burundian sides, including since the deployment of the United Nations Operation in Burundi (ONUB) on 1 June 2004,

Welcoming in particular the agreement signed in Pretoria by the Burundian parties on 6 August 2004, and the subsequent adoption by the Parliament of an interim Constitution, on 20 October 2004, which provides guarantees for all communities to be represented in the post-Transition institutions,

Encouraging all Burundian parties to continue their dialogue in a spirit of compromise, in particular during the campaign to explain the interim Constitution and the drawing up of the electoral code, with a view to a lasting political solution,

Recalling that there is no alternative to the holding of elections as provided for by the Arusha Agreement, and *calling* on the Transitional authorities to carry through the electoral process scheduled to take place until 22 April 2005,

Paying tribute to the efforts made by the States of the Regional Initiative for Burundi, especially Uganda and the United Republic of Tanzania, and the Facilitation, in particular South Africa, to support the peace process in Burundi, and *encouraging* them to continue to accompany the efforts of the Burundian parties,

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Encouraging also the international donor community to respond to requests from the Government of Burundi to strengthen its national judicial institutions and rule of law capacity,

Condemning all acts of violence as well as violations of human rights and international humanitarian law,

Reiterating its strong condemnation of the Gatumba massacre and *reaffirming* that perpetrators of such crimes must be brought to justice,

Taking note of the joint report of the ONUB, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the Office of the United Nations High Commissioner for Human Rights, regarding the Gatumba massacre on 13 August 2004 (S/2004/821), and *taking note* also of the statement of the government of Burundi dated 29 October 2004 (S/2004/867) and of its commitment to bring its investigation into the Gatumba massacre to a prompt conclusion, with international support as appropriate,

Taking note of the report of the Secretary-General dated 15 November 2004 (S/2004/902),

Noting that obstacles remain to Burundi's stability, and *determining* that the situation in this country continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the mandate of the ONUB, as defined in its resolution 1545 (2004), shall be extended until 1 June 2005;

2. *Urges* all the governments and parties concerned in the region to denounce the use of and incitement to violence, to condemn unequivocally violations of human rights and of international humanitarian law, and actively to cooperate with ONUB and MONUC and with efforts of States aimed at ending impunity;

3. *Calls upon* the governments of the Democratic Republic of the Congo and of Rwanda to cooperate unreservedly with the Government of Burundi to ensure that the investigation into the Gatumba massacre is completed and that those responsible are brought to justice;

4. *Requests* ONUB and MONUC to continue to provide their assistance, within their mandate, to the Burundian and Congolese authorities, with a view to facilitating the completion of the investigation into the Gatumba massacre and to strengthening the security of vulnerable populations;

5. *Deeply troubled* by the fact that Mr. Agathon Rwasa's Forces nationales de liberation (Palipehutu-FNL) have claimed responsibility for the Gatumba massacre, *expresses its intention* to consider appropriate measures that might be taken against those individuals who threaten the peace and national reconciliation process in Burundi;

6. *Requests* the Secretary-General to keep it informed on a regular basis of developments in the situation in Burundi, the implementation of the Arusha Agreement, the execution of ONUB's mandate and the action taken by the Burundian authorities following the Council's recommendations in the fight against impunity, and to submit a report on these developments every three months;

7. *Decides* to remain actively seized of the matter.